

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/9/2022

In re:

03-MD-01570 (GBD)(SN)

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

ORDER

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SARAH NETBURN, United States Magistrate Judge:

This document relates to:

Ashton, et al. v. al Qaeda Islamic Army, et al., No. 02-cv-6977
Bauer, et al. v. al Qaeda Islamic Army, et al., No. 02-cv-7236
Burlingame, et al. v. Bin Laden, et al., No. 02-cv-7230

The Court has begun its review of motions for default judgments against the Taliban.

Several of these motions request a default judgment against not only the Taliban, but against Muhammad Omar, its founder and former leader. See ECF Nos. 8274, 8335, 8363, 8386. The Taliban remains active, but by all available accounts Muhammad Omar has been dead since at least 2015 and likely died sometime in 2013.¹

Federal Rule of Civil Procedure 25(a)(1) provides that “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party.” If a suitable motion substituting the proper party is not brought within 90 days after service of a statement noting death, “the action by or against the decedent must be dismissed.” Id.

¹ See, e.g., Jessica Donati, The Last Days of Taliban Head Mullah Omar, Wall Street Journal (last updated March 11, 2019), available at <https://www.wsj.com/articles/the-last-days-of-taliban-head-mullah-omar-11552226401>; Lynne O'Donnell, Afghanistan says Taliban Leader Mullah Omar Died 2 Years Ago, Associated Press (July 29, 2015), available at <https://apnews.com/article/8aea0d55437f4bac9f0356cf0510a69b>; Joseph Goldstein & Taimoor Shah, Death of Mullah Omar Exposes Divisions Within Taliban, N.Y. Times (July 30, 2015), available at <https://www.nytimes.com/2015/07/31/world/asia/taliban-confirmed-death-of-mullah-omar-and-weigh-successor.html>.

Given Omar's apparent death, the Plaintiffs' Executive Committees are ordered to submit a letter stating (1) if there is any reason that Omar's death should not be noted on the record pursuant to Rule 25(a)(2); (2) when the relevant plaintiffs will file motions substituting the proper party for Omar; or (3) indicating if dismissal of claims related to Omar is appropriate given his apparent death. This letter shall be filed by September 16, 2022.

SO ORDERED.

Dated: September 9, 2022
New York, New York



SARAH NETBURN
United States Magistrate Judge